

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Stephen Nicholas Holmes,

Case No. 23-cv-2969 (PJS/DJF)

Plaintiff,

v.

ORDER

Minnesota DOC et al.,

Defendants.

This matter is before the Court on the parties Joint Motions for Continued Sealing (ECF Nos. 31, 36, 68). The parties agree that ECF Nos. 11, 14, 14-1, 14-2, 14-3, 14-4, 14-5, 14-6, 14-7, and 14-8 should remain under seal because they contain confidential medical information about Mr. Holmes (*see* ECF No. 69). Mr. Holmes argues that his exhibits, ECF Nos. 24 and 29, should be unsealed, whereas Defendants argue these documents should remain under seal because they contain confidential medical information about Mr. Holmes (*id.* at 4–5). All these exhibits were filed in connection with Mr. Holmes’ Motion for Emergency Preliminary Injunction (ECF No. 2).

Where the parties disagree, the Court orders ECF Nos. 24 and 29 to be unsealed because they are Mr. Holmes’ exhibits containing information about himself that he wishes to unseal. Because it is his information to protect or not protect, and he has chosen not to protect it, the Court will not keep these exhibits under seal. Where the parties agree, the Court grants the motions in part and denies them in part. The Court grants continued sealing for those documents that appear to contain medical information about Mr. Holmes and denies it with respect to those documents that, based on the Court’s review, do not appear to contain medical information as asserted.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT** the Joint Motions for Continued Sealing (ECF Nos. [31], [36], [68]) are **GRANTED IN PART AND DENIED IN PART** as follows:

1. The Clerk of the Court is directed to **UNSEAL** the following documents 28 days after the date of this Order, unless a timely motion for further consideration is filed pursuant to Local Rule 5.6(d)(3):
 - a. ECF No. 14-3;
 - b. ECF No. 24; and
 - c. ECF No. 29.
2. The Clerk of the Court is directed to keep the following documents **under seal**:
 - a. ECF No. 11;
 - b. ECF No. 14;
 - c. ECF No. 14-1;
 - d. ECF No. 14-2;
 - e. ECF No. 14-4;
 - f. ECF No. 14-5;
 - g. ECF No. 14-6;
 - h. ECF No. 14-7; and
 - i. ECF No. 14-8.

Dated: March 6, 2024

s/ Dulce J. Foster

Dulce J. Foster

United States Magistrate Judge